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**FINAL REPORT TO THE
Pierce County Parks and Recreation
Department**

**Conclusions and
Recommendations**

December 15, 2017

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**ACCESSIBILITY CONSULTANTS | CIVIL ENGINEERING | STRUCTURAL ENGINEERING
MECHANICAL/ELECTRICAL/PLUMBING ENGINEERING | LAND SURVEYING
TELECOMMUNICATION DESIGN | CONSTRUCTION | AQUATIC DESIGN | PROGRAM MANAGEMENT**

All Site Conclusions and Recommendations

Background

A step-by-step approach will help Pierce County understand and address the deficits in the individual site reports. We recommend the following steps to accomplish the goal of making opportunities in Department sites more accessible to people with disabilities.

A Guide to this Section

There are approximately 2,300 access deficits identified in the 17 site reports. That is what is required by the ADA, the identification of every access deficit at every site and facility. And, for every deficit, a solution must be identified. Another way to consider this though is that for every deficit we found, we observed 10 elements that complied with the access requirements. At Pierce County sites, in other words, we saw approximately 23,000 access features that complied.

This report is all about the big picture. As discussed in the cover letter, the Department does ***not necessarily have to make every site accessible.*** It ***does*** have to make every program accessible.

We have identified some broad solutions, such as refreshing all accessible parking, as a way to address issues identified in the site reports. This enables the Department to better manage compliance. This approach gives the Department the flexibility to move resources so that they are applied with optimal impact. Consider these systemic changes as a complement to a site-by-site approach.

The scope of our work does not include the design of a solution. For example, if a park restroom needs to be accessible we will make that recommendation. We will not design a solution that includes wall removal or plumbing solutions. Those are tasks for Department staff or contractors. That said, we do know of qualified and capable designers. Once the Department is considering implementation, if you need references we can certainly help with that.

This is also about accountability. The adjustments to door closers, eliminating changes in level, and other recommended actions are ineffective if not maintained over time by Department employees. We recommend the following to facilitate review:

First, read the final report cover letter to Joseph Coppo. It describes the concepts and requirements invoked throughout the report.

Second, read this Conclusion section. As mentioned above, this is a big picture review of the issues and solutions we recommend.

Third, read the 17 site reports. Use your computer and you'll have instant access to the report for that site, the photos, and the checklists.

Fourth, use your knowledge of the sites and of your staffs' expertise. You know Pierce County sites better than we do, and you certainly know the staff better than we do. Blend in what you know with what we recommend in the report. There is always another way to solve an access problem...perhaps you'll be the one to see that solution.

Common Issues

In our evaluation, some common issues arose. These included the way maintenance affects accessibility to playground surfaces used. The common issues are also "big picture" items for the Department and incorporate many of the specific site recommendations.

Maintenance

The Department uses a conscientious staff to maintain its facilities and sites. However, over time, every facility and site yields to wear and tear. The recommendations below describe ways in which attention to maintenance can specifically address some access deficits.

1. ***Provide training*** to maintenance staffs regarding the features of an accessible route and how to ensure that it remains unobstructed so that park amenities, e.g., garbage cans or signs, are placed adjacent to the accessible route.
2. ***Provide training*** to recreation staffs regarding the features of an accessible route and how to ensure that it remains unobstructed.
3. ***Purchase some new tools.*** The Department should have enough battery-powered digital levels, and tools to measure pounds of force for doors, to equip some staff for occasional spot-checks. A great website for gauges is:

[http://www.technologylk.com/crl-door-pressure-gauge-lk-HMC035.htm?src=froogle.](http://www.technologylk.com/crl-door-pressure-gauge-lk-HMC035.htm?src=froogle)

Changes in Level and Gaps

The routes and sidewalks that make up the Department's network of accessible routes are in fair condition. Wear and tear, settling, weather, and other factors combine to cause changes in level and gaps along portions of those accessible routes, making that portion noncompliant and a barrier to many customers with physical and sensory disabilities.

Removing changes in level and gaps has a significant universal design benefit. More people with all types of conditions can more easily use Department routes, such as staff pushing supply carts, parents with kids in strollers, and those using an assistive device such as a wheelchair, Segway, or walker.

4. **Add** change in level of more than .25" **to park maintenance safety checklists** in 2018. This will help identify and correct these problems before they expand. Make or buy pre-measured shims and distribute to employees for their use and ease of measurement.
5. **Eliminate changes in level** by the end of 2019. Using the rationale that the most severe changes in level are the greatest barriers to access, make changes in level of greater than .75" the highest priority. Make changes in level of between .5" and .75" the second priority. Make beveling of changes in level of .25" to .5" the third priority.
6. **Add inspections for gaps** of greater than .5" **to park maintenance safety checklists** in 2018. Identify and fill these gaps before they expand. **In the alternative, consider resurfacing segments of deteriorated asphalt routes.**
7. **Adopt** a policy about the use of Other Power Driven Mobility Devices in Department facilities and at Department sites, and promote that policy to the general public. Every day, more people with limited physical mobility start to use a Segway or similar machines.

Pursuant to the new ADA title II regulation published September 14, 2010, this policy was to have been in place by March 15, 2011.

These assistive devices provide great benefits to people with disabilities and the sooner the Department has a policy in regard to their use the better. The policy could, at a minimum, address times of allowed use (dawn to dusk), speed limits, off-limits areas, status of the user as a person with a disability, and minimum age.

It is important to note that a power driven mobility device is not a wheelchair. That device has a separate definition and is already allowed in facilities and parks. The US Department of Justice has a good [technical assistance paper](#) on these devices.

The components of a policy are noted below. ***The Department is welcome to use some, all, or none of this, but a policy must be in place. We recommend at least the following statements:***

Definition: *Other power-driven mobility device* (OPDMD) means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this policy.

Definition: *An electronic personal assistive mobility device* (EPAMD) is a device used by a person with a mobility impairment for ambulation. This definition does **not** include gasoline powered devices, golf cars, or riding lawn mowers.

Permission: Pierce County authorizes persons with mobility impairments to use OPDMDs and EPAMDs in Department facilities and sites subject to the following restrictions:

1. The operator of the device must be a person with a mobility impairment, and upon request by Department officials, shall produce proof of such within 72 hours;
2. The device, if used in a facility or in a park, is allowed in any area of the facility or park in which the general public is allowed, with the exception of employee only spaces, stairways, and identified hazardous areas;
3. The device, if used in a facility, must be controlled by the operator. It:
 - A. may not exceed 4 mph;
 - B. shall be driven on the right side of the circulation route;
 - C. is prohibited from carrying another person on the frame, or any object on the frame that may make the device less stable; and
 - D. must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, Department employees, or Department participants.
4. The device, if used in a park or outside, must be controlled by the operator. It:
 - A. may not be operated between dusk and dawn unless equipped with headlights that are visible at 300’;
 - B. may not exceed 6 mph;
 - C. shall not be driven into wet or ecologically sensitive areas which are posted as such;
 - D. shall be driven on the right side of the circulation route;
 - E. is prohibited from carrying another person on the frame, or any object on the frame that may make the device less stable; and
 - F. must not be operated in a dangerous or reckless manner that jeopardizes operator safety, Department employees, or Department participants.
5. The Department accepts no responsibility for storage of the device.

6. The Department accepts no liability for damage to the device, or injury to the operator, whether caused by the operator, another visitor to a Department facility or site, or any other circumstance.
7. The Department accepts no liability for damage caused by the operator of the device, or injury to others caused by the operator of the device.
8. The Department reserves the right to suspend the use of facilities or sites by the operator if doing so is in the best interests of the Department and its participants.
9. The Department reserves the right to change, modify, or amend this policy at any time, as it would any other policy.

Employee Work Areas

Pierce County employs many qualified and skilled full time staff, making parks and recreation services available to residents. The Department employs many more on a part-time or seasonal basis. The Department likely already has employees with disabilities and in the future, will have *more* employees with disabilities, in all categories...full time, seasonal, and regular part time.

It is important to address access to work areas, and both the title II regulation and the work of the Access Board do so. In section 203.9 of the 2010 Standards for Accessible Design, the treatment of employee areas is made clear.

Generally, a person with a disability should be able to *approach, enter, and exit* the work area. This is addressed by requirements for accessible routes and accessible means of egress. Other factors are door width, and threshold changes in level.

Excluded from this exception are several types of common spaces in employee areas. Spaces such as the ones below must meet the access guidelines as they are excluded from the definition of employee-only areas:

- corridors;
- toilet rooms;
- kitchenettes for employee dining use, and
- break rooms.

In short, the key issues are the accessible route, changes in level, doors and entries, and maneuvering space once within the work area. This approach is effective so long as when the Department hires an employee with a disability, or a current employee acquires a disability, it will remove architectural

barriers in work areas or make other accommodations. The two recommendations below are important for all employees at all Department sites.

8. ***Address accessibility in the Department personnel policies***, and note that, upon request by an employee, the Department will make reasonable accommodations, which ***may*** include the removal of architectural barriers in work spaces.
9. ***Require new construction, and alterations or additions*** that include employee work areas to be designed and constructed so they are compliant with the 2010 Standards for Accessible Design.

Accessible Parking

The Department maintains approximately 3,100 standard parking spaces at sites, and 158 more it has designated as accessible parking stalls. In correcting or refreshing its accessible stalls, the Department should address all of them at once to eliminate inconsistencies and come into compliance.

10. ***Create a parking stall template***. A suggested template is below.

Parking Stall Dimensions

Stalls are a minimum of 8' wide. An adjacent access aisle must also be a minimum of 5' wide. The access aisle must be diagonally striped with ***high quality paint***.

The collection of signs must include the US Department of Transportation R7-8 standard sign (the blue icon in a wheelchair). Below that must be the statewide fine sign. Unless the County has adopted a higher fine by ordinance, the sign must note the statewide fine. Federal settlement agreements require a third sign, on at least one stall, that says VAN ACCESSIBLE. This stall must be 11' wide with a 5' access aisle. An acceptable alternate is 8' and 8'.

Finally, the bottom edge of the R7-8 sign is a minimum of 60" above the finished grade. We suggest that the signpost be centered at the head of the accessible stall and we suggest that the curb cut and detectable warning run the distance of the access aisle.

The most common deficit in accessible parking stalls and access aisles is the slope. The 2010 standards limits the slope to ***not more than 2.08% in any direction***. ***This is a challenging requirement that can take considerable effort to meet.***

Connection to the Accessible Route

The access aisles should connect to an accessible route. The maximum running slope for the accessible route is 5%, and to account for heaving and settling, we recommend 4%. The maximum cross slope is 2%.

Passenger Loading Zone

The loading zone must have an access aisle adjacent and parallel to vehicle pull-up space. The loading zone access aisle must be a minimum of 60" wide and 20' long.

Confirm this template to ensure compliant stalls.

11. In 2019, ***implement a plan to correct or refresh every accessible stall*** at every Department facility. Incorporate this task into other plans that require parking lot repair, restriping, or resurfacing.

Running Slope and Cross Slope

We saw running slopes steeper than permitted. This was a minimal issue at some sites, but at other sites, it was a significant variance. This condition naturally occurs when concrete settles, or when connections between new and old routes are off by fractions of an inch. Cross slope is equally important, as it serves drainage as well as access purposes.

12. ***Adopt a policy*** that in new construction and alterations the slope of the AR shall not exceed 1:21, or 4.7%, as opposed to 1:20, or 5%. This allows room for field error.
13. ***Adopt a policy*** that in new construction and alterations the ramp slope shall not exceed 1:13, or 7.7%, as opposed to 1:12, or 8.33%. This allows room for field error. This also makes ramps easier to use for everyone, not just people with disabilities. This universal design approach is also a risk management tool.
14. ***Adopt a policy*** that in new construction or alterations the cross slope shall be an integral part of the project and shall not exceed 2% or 1:50.

Detectable Warnings

The US Access Board suspended the detectable warning requirement in the late 90's, for a period of several years. It was restored in 2002. However, it is not required in the 2010 Standards.

We still, however, as a smart practice, recommend the use of detectable warnings in areas not currently required. It is typical to see noncompliant detectable warnings in every community.

The detectable warnings at curbs ***that are not compliant*** are often a cross-cut of concrete, or a grid laid on wet concrete to create a diamond-shaped indentation. Over time these should be replaced.

15. As with parking, ***develop a template for detectable warnings.***

16. In the same year that parking is refreshed, ***implement a plan to correct or refresh every detectable warning*** at every curb or crossing at Department facilities. If necessary, phase this out over a two or three year period.

Door Opening Force Requirements

In Department buildings and facilities, there are approximately 350 doors. Many have closer mechanisms. Some of these need adjustment to bring the pounds of force (lbf) necessary into compliance (5 lbf for interior doors and 8.5 lbf for exterior doors).

However, some of the closers are just old. The wear and tear of 20 or more years erodes the closer effectiveness.

17. ***Evaluate and determine the age of door closers.***
18. ***Add door closer maintenance checks*** to safety checklists in 2018 and for closers with 10 years of service or less, aggressively maintain them for effectiveness.
19. ***Purchase and install new door closers*** for all exterior doors (with closers 20 years old or more) and 50% of interior doors in 2018 or as soon as is possible.
20. ***Purchase and install*** new door closers for all remaining interior doors (with closers 20 years old or more) in 2019 or as soon as is possible.

Signage

Department signs serve several purposes. First, signs assist wayfinding in large buildings, such as the Sprinker Recreation Center.

Second, signs identify important permanent elements of facilities, such as restrooms. Third, signs facilitate access by people with vision and physical limitations. We did not note a signage template at the sites we evaluated.

The 2010 Standards treats two types of signs differently. Signs for permanent spaces, such as a bathroom, must be in both Grade 2 Braille and raised lettering. Signs that are directional or informational only require visual lettering of a certain size. Be certain to incorporate these approaches into signs in buildings and sites operated by the Department.

21. ***Develop a sign template*** in 2018 that describes where and in what facilities signs will be used. The template could include size of sign, mounting height, mounting location, size of characters, space between characters, contrast between characters and background, icons or symbols used

in the signs, Department information in the signs (name of facility? phone number? main office number?), and more.

22. **Implement signage template and refresh** Department site signage in 2019.

Bathrooms

Bathrooms are an essential part of a visit to a Pierce County site. Exercise, food and beverage, social activities, and more all rely on one of the oldest designs known to us. Making those facilities accessible is tremendously important.

Additionally, **portable toilets** placed temporarily at sports fields and event venues **must** be accessible and **must be served by an accessible route**.

23. **Develop a bathroom template in 2018.** Confirm it with the State of Washington. Be sure to include temporary facilities such as portable toilets in the template. The template should address the toilet, grab bars, items in the stall such as toilet paper and hooks, the stall, operating mechanisms, mirrors, sinks, hand towels, and more.
24. **Include bathroom renovations** at facilities in the Department Capital Acquisition and Replacement Plan (or equivalent).
25. **Consider the use of automatic flush controls.** These have environmental benefits and are a great way to eliminate some accessibility problems.
26. **In the interim, implement non-structural modifications recommended in each section of this report,** such as lowering mirrors, remounting grab bars, changing the height of toilets and urinals, installing compliant stall hardware, and so forth. These less costly changes on a site-by-site basis will serve your customers well until resources are available to renovate restrooms on a comprehensive scale.
27. **Make one portable toilet,** if one is provided at a site, accessible. This includes a portable toilet placed at a picnic shelter or adjacent to sports fields. These must be accessible and must be served by **an accessible route**. **The Department has sites with portable toilets; this must be addressed. Use our single-user toilet checklist, and require compliance by your vendors.**

Alarms

In existing facilities where an aural or audible fire alarm system is present, a visual alarm is not required unless the building was constructed after January 26, 1992 or has been upgraded since that same date.

If an alarm in an existing facility is audible only, it need not be modified to include a visual alarm unless it is replaced or upgraded in the future.

28. **Determine in 2018** if systems have been upgraded or replaced since 1992.
29. **Develop a plan in 2018** for the installation of aural and visual alarms in renovations.
30. **Retrofit construction that has occurred since 1992** to include aural and visual alarms by the end of 2020.

Brochures

The use of a site grid in the Department brochures is an important tool for residents and can now be used to communicate about accessibility. Create one to incorporate the access work the Department staff completes and indicate in your grid where, for example, the accessible picnic areas are, or where the accessible playgrounds are.

31. **Update the parks and facilities** information on the website to reflect plans regarding our recommendations, and to note which sites are accessible or will be made accessible.

Website

The title II regulation requires that all public communication used by the County be available to people with disabilities. Many people with vision impairments use websites every day with the aid of technical equipment. The Department is required to evaluate its website and make necessary changes so that the website can be read by that type of equipment.

A link at the US Department of Justice website offers guidance on this. The Department IT staff should become familiar with this issue. Go to www.ada.gov/websites2.htm. The Department can also check the accessibility of its website at a free service. Go to www.icdri.org/test_your_site_now.htm and test your website with "Cynthia Says".

We also have a relationship with a firm that evaluates websites. If the Department wishes, we can connect you with Access2online.

32. **Evaluate the Department website** and make changes so that the information on the site is accessible to people with disabilities.

Maintenance Buildings

In individual site reports, we address the maintenance areas. As noted earlier, the Department can apply a different standard to spaces used only as employee work areas. Department maintenance staff

should receive training in regard to the application of the ***approach, enter, and exit*** strategy so that they understand the reason for the various requirements.

33. ***Train maintenance staff supervisors*** in accessibility concepts that are applicable to the maintenance building.
34. ***Implement recommendations regarding parking, accessible route, changes in level, gaps, doors, and alarm systems*** at the maintenance areas.

2 to 5 Playgrounds

The ***minimum required*** of the Department by title II of the ADA is that the “program” of playgrounds be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing 2 to 5 playgrounds should be made accessible. Again, a good practice is to treat this as a planning exercise and aim for 1 of 3 playgrounds being made accessible.

Our evaluation included six playgrounds for children aged two to five. Of these, one was accessible. We recommend access to two more. Any playgrounds replaced in the future must comply with the 2010 Standards and will therefore be accessible.

The Program Access Chart, along with Pierce County 2 to 5 Playground Map at the end of this section, illustrates the areas where work is recommended so that every resident of the Department is close to an accessible 2 to 5 playground. [[Pierce County 2 to 5 Playground Map](#)]

35. ***Make the corrections*** so the 2 to 5 playgrounds at the sites below ***remain*** accessible:
 - ***Chambers Creek Regional Park***
36. ***Make the corrections*** so the 2 to 5 playground at the sites below ***become*** accessible:
 - ***Spanaway Park***
 - ***Sprinker Recreation Center***
37. ***Leave as is*** the playgrounds at the parks named below, and if future alterations or renovations occur at those sites, make them accessible.
 - ***Ashford County Park***
 - ***Gonyea Playfield***
 - ***South Hill Community Park***

38. **Advertise the accessible 2 to 5 playgrounds** in the Department website and publications. This is an important way to make the public aware of opportunities, and complies with the section 35.106 notice requirement in the title II regulation.

5 to 12 Playgrounds

The **minimum required** of the Department by title II of the ADA is that the “program” of 5 to 12 year old playgrounds be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing 5 to 12 playgrounds should be made accessible. Again, a good practice is to treat this as a planning exercise and aim for 1 of 3 playgrounds being made accessible. Our evaluation included 11 playgrounds for children aged five to twelve. Three are accessible. We believe four more should be made accessible. Any playgrounds replaced in the future must comply with the 2010 Standards and will therefore be accessible.

The Program Access Chart, along with Pierce County 5 to 12 Playground Map at the end of this section, illustrates the areas where work is recommended so that every resident of the Department is close to an accessible 5 to 12 playground. [[Pierce County 5 to 12 Playground Map](#)]

39. **Make corrections** cited in the reports so the 5 to 12 playgrounds below **remain** accessible:

- **Ashford County Park**
- **Chambers Creek Regional Park**
- **Meridian Habitat Park**

40. **Make the corrections** so the 5 to 12 playgrounds at sites below **become** accessible:

- **Dawson Playfield**
- **Mayfair Playfield**
- **Spanaway Park**
- **Sprinker Recreation Center**

41. **Leave as is** the playgrounds at the parks named below, and if future alterations or renovations occur at those sites, make them accessible.

- **Frontier Park**
- **Gonyea Playfield**
- **Heritage Recreation Center**
- **South Hill Community Park**

42. **Advertise the accessible 5 to 12 playgrounds** in the Department website and publications.

Trails

The **minimum required** of the Department by title II of the ADA is that the “program” of trails be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing trails should be accessible.

We recommend that a minimum of one area of every three be accessible. We saw six sites with trails and five are accessible. **We recommend no new access**

The issue of trail access is not yet settled as a final and enforceable standard. There is significant guidance from the US Access Board, and we have applied it here to Department trails.

However the US Access Board does not have the authority to establish a Standard, which is the step above the **final guideline** that exists today. That said, we recommend Department continue as a smart practice to adhere to the Access Board guidance on this matter.

The Program Access Chart at the end of this section, along with the Pierce County Trail Map, illustrates the areas where work is recommended so that every resident is close to an accessible trail. [[Pierce County Trail Map](#)]

43. **Make corrections** cited in the reports so the trails below **remain** accessible:

- **Ashford County Park**
- **Chambers Creek Regional Park**
- **Foothills Trail**
- **South Hill Community Park**
- **Spanaway Park**

44. **Leave as is** the trails at the following sites:

- **Sprinker Recreation Center**

45. **Advertise the accessible trails** in Department website and publications

Tennis

The **minimum required** of the Department by title II of the ADA is that the “program” of tennis be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing tennis courts should be accessible. We recommend that at least one of every three be accessible.

There are eight courts and all are accessible. *We recommend no new access.*

The Program Access Chart at the end of this section, along with the Pierce County Tennis Map, illustrates the areas where work is recommended so that every resident of the Department is close to an accessible tennis court. [[Pierce County Tennis Map](#)]

46. *Make corrections* cited in reports so the tennis courts below *remain* accessible:

- *Dawson Playfield (2)*
- *Sprinker Recreation Center (6)*

47. *Advertise the accessible tennis courts* in Department website and publications.

Basketball

The *minimum required* of the Department by title II of the ADA is that the “program” of basketball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing basketball courts should be accessible. We recommend that at least one of every three be accessible.

There are six courts and four are accessible. *We recommend no new access.*

The Program Access Chart at the end of this section, along with the Pierce County Basketball Map, illustrates the areas where work is recommended so that every resident of the Department is close to an accessible basketball court. [[Pierce County Basketball Map](#)]

48. *Make corrections* cited in reports so the basketball courts below *remain* accessible:

- *Dawson Playfield (1 full, 1 half)*
- *Sprinker Recreation Center (2)*

49. *Leave as is* the courts at the following sites:

- *Spanaway Park (2)*

50. *Advertise the accessible basketball courts* in Department website and publications.

Ballfields (Diamonds)

The *minimum required* of the Department by title II of the ADA is that the “program” of baseball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing ball fields should be accessible. We recommend that at least one of every three be accessible.

There are 25 fields and seven are accessible. *We recommend no new access.*

The Program Access Chart at the end of this section, along with the Pierce County Ball Fields Map, illustrates accessible ball fields so that every resident of the Department is close to an accessible ball field. [[Pierce County Ball fields Map](#)]

51. *Make corrections* cited in reports so the ball fields *remain* accessible:

- *Heritage Recreation Center (5)*
- *Sprinker Recreation Center (2 of 8)*

52. *Leave as is* the ball fields at the following sites:

- *Dawson Playfield*
- *Gonyea Playfield (5)*
- *Lidford Playfield (2)*
- *Spanaway Park (4)*
- *Sprinker Recreation Center (6 of 8)*

53. *Advertise the accessible ball fields* in Department website and publications.

Athletic Fields (Rectangular Fields)

The *minimum required* of the Department by title II of the ADA is that the “program” of athletic fields be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing athletic fields must be accessible. We recommend that at least one of every three be accessible.

There are 11 fields and two are accessible. *We recommend access to two more.*

The Program Access Chart at the end of this section, along with the Pierce County Athletic Fields Map, illustrates accessible athletic fields so that every resident of the Department is close to an accessible athletic field. [[Pierce County Athletic Fields Map](#)]

54. **Make corrections** cited in reports so the fields below **remain** accessible:
 - **South Hill Community Park (2)**
55. **Make corrections** cited in reports so the fields below **become** accessible:
 - **Heritage Recreation Center (2 of 9)**
56. **Leave as is** the fields at the following sites:
 - **Heritage Recreation Center (7 of 9)**
57. **Advertise the accessible athletic fields** in Department website and publications.

Picnic Areas

The **minimum required** of the Department by title II of the ADA is that the “program” of picnicking be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing picnic sites should be accessible. There 11 picnic areas or shelters and all 11 are accessible. **We recommend no new access. Many of these sites need tables or other minor corrections.**

The issue of picnic area access is not yet settled as a final and enforceable standard. There is significant guidance from the US Access Board, and we applied it here to Department picnic areas. However, the US Access Board does not have the authority to establish a Standard, which is the step above the **final guideline** that exists today. That said, we recommend Department continue as a smart practice to adhere to the Access Board guidance on this matter.

The Program Access Chart at the end of this section, with the Pierce County Picnic Areas Map, illustrates accessible picnic areas so that every resident of the Department is close to an accessible picnic area. [[Pierce County Picnic Areas Map](#)]

58. **Make corrections** needed to **maintain access**, including adding tables, to picnic areas at:
 - **Chamber Creek Regional Park**
 - **Dawson Playfield**

- *Frontier Park (3)*
- *Spanaway Park (6)*

59. **Advertise accessible picnic areas** in the Department website and publications

Lake/Beach Access

The **minimum required** of the Department by title II of the ADA is that the “program” of fishing/lake and beaches be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing lake access areas should be accessible. We recommend that a minimum of one area of every three be accessible.

We saw seven sites with fishing, lake access, or beach areas and two are accessible. **We recommend access to one more.**

The Program Access Chart at the end of this section, along with the Pierce County Lake Access Map, illustrates the areas where work is recommended so that every resident is close to an accessible lake area. [[Pierce County Lake Access Map](#)]

60. **Make corrections** cited in the reports so the lake area below **remains** accessible:

- *Lake Tapps Park (boating)*
- *Spanaway Park (boating/fishing)*

61. **Make corrections** cited in the reports so the lake area below **become** accessible:

- *Lake Tapps Park (beach)*

62. **Leave as is** the areas at the following sites:

- *Chambers Creek Regional Park*
- *Purdy Sand Spit*
- *Spanaway Park (2 beaches)*

63. **Advertise the accessible lake areas** in Department website and publications.

Amphitheaters

The **minimum required** of the Department by title II of the ADA is that the “program” of amphitheaters be accessible to residents. This is measured by the “program access test” found in section 35.150 of

the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing amphitheatres should be accessible.

We recommend that a minimum of one area of every three be accessible. We saw three amphitheatres and two are accessible. ***We recommend no new access.***

The Program Access Chart at the end of this section, along with the Pierce County Amphitheatres Map, illustrates the areas where work is recommended so that every resident is close to an accessible amphitheater. [[Pierce County Amphitheater Map](#)]

64. ***Make corrections*** cited in the reports so the amphitheatres below ***remain*** accessible:

- ***Ashford County Park***
- ***Chambers Creek Regional Park***

65. ***Leave as is*** the amphitheater at the following site:

- ***Meridian Habitat Park***

Advertise the accessible amphitheatres in Department website and publications.

Public Feedback

An integral part of the self-evaluation of sites and facilities, and the development of a transition plan, is the involvement of the public. The County hosted two forums, one on October 25 and one on October 26. Though lightly attended, these provided the Department with general feedback regarding access preferences and priorities.

Transition Plan

The Department must have a transition plan per 35.150(d) of the DOJ title II regulation. The plan should identify the barrier, the corrective work, the date by which the work will occur (in our reports, the Phase), and the person responsible for barrier removal.

The Department should remove barriers as soon as is possible. Phasing the work to be done creates accessible sites and makes the best use of the resources of Pierce County.

In the view of DOJ, the recreation design requirements were available to the Department since 2004, if not earlier. Enforcement staff has said at meetings and in conversations that work should have already been underway to identify and remedy access deficits.

We recommend work in three phases. We also note the work we recommend need not occur in a category titled County Option, or Phase Four. Should the Department plans change, or should other resources become available, the corrective work needed at these sites is known. We acknowledge that each phase likely requires three or more fiscal years for completion.

We have made cost *references* for the corrective work recommended. We note that these are not estimates and should be used only for planning purposes. The final design, the year in which the work will occur, the relationship with the contractor, and many other factors must be considered before a cost estimate is made.

The total of corrective work we recommend is \$1,927,588.50, and we believe it can be implemented over a period of eight years.

In Phase One, we recommend work in the amount of \$681,800.00. Generally, the work in this Phase falls into two categories: easy to do with existing staff and resources (low-hanging fruit), and old requirements (such as parking) at sites otherwise accessible. The Department should decide how many years are required to complete a phase. ***Here we would suggest that Phase One is a three year process.***

In Phase Two, we recommend work in the amount of \$872,213.25. Generally the work in this Phase includes changes to recreation amenities, such as playground surfaces, ball fields and athletic fields. The Department should decide how many years are required to complete a phase. ***Here we would suggest that Phase Two is a three year process.***

In Phase Three, we recommend work in the amount of \$373,575.25. Generally the work in this Phase falls into two categories: elements not yet addressed by a final Standard, such as trails, and elements where correction is complex or costly. The Department should decide how many years are required to complete a phase. ***Here we would suggest that Phase Three is a two year process.***

We identified work in the amount of \$131,249.00 in County Option, or Phase Four. This is work at a site or element with access deficits where we believe the County already meets the program access test and need not make these sites accessible, until later altered for another purpose.

Funding Access Retrofits

We have developed this section to discuss some of the funding sources other counties, cities, park districts, and governmental entities have used for accessibility compliance. This is not intended as a comprehensive list, but is a good primer on this topic.

No Dedicated Federal Source

There is no dedicated source of federal funds for accessibility renovations to existing sites. This will not likely change in the future. As an example of the unpredictability of federal funding, we look to the Land and Water Conservation Fund (LAWCON). The LAWCON stateside portion, even with a dedicated funding source, is typically underfunded by as much as 80%.

Earmarks

Some of our clients have pursued Congressional earmarks for access work. Earmarks are increasingly unpopular, and difficult to obtain. However, the Congressional practice of adding grant earmarks to bills proceeding through the US Congress still exists. We would suggest that this is a viable option for Pierce County.

Community Development Block Grant Funds

Several of our clients have acquired federal Community Development Block Grant (CDBG) funds for accessibility renovations at existing sites. CDBG funds often have a scale of priority. It would be important to establish accessibility as a priority for the very competitive CDBG applications.

State Grants Programs

Several states, and several of our clients, have successfully pursued state legislation to set aside dedicated state funds that can be used for specific purposes, including access retrofits. To name a few, Illinois, New Jersey, Colorado, Ohio, Florida, and Texas all have sources of revenue funded in various ways, such as a real estate transfer tax. While the states have all at times not fully funded these grant programs, they remain an effective tool for counties regarding site acquisition and development.

State Discretionary Funds

Most state legislatures provide some type of discretionary funding for members of the legislature. In some states, these are relatively small grants of under \$50,000. In other states, it is common to see legislative grants of \$500,000 or more. As with Congressional earmarks, these have become less popular in recent years, but still exist in most states.

Special Accessibility Legislation

At least one state (Illinois) has adopted legislation that allows municipalities and special purpose park districts to levy a tax that can be used only for recreation for people with disabilities. The funds can be used for access retrofits at existing sites and facilities.

Statewide, local entities in Illinois levy and expend an estimated \$50,000,000 annually on this purpose.

Private Giving

Some of our clients have successfully sought private gifts for accessibility purposes. The private giving area is subject to fluctuations depending on the economy, political issues, and related fiscal impacts. In our experience, private giving works best when an agency such as the County has an employee dedicated to this purpose.

Corporate Giving

Some of our clients have successfully sought grants from corporations. These may, for corporate purposes, come from marketing (such as naming rights to a County facility) or from community giving. Also, many corporations have a related foundation that manages corporate giving. A good example here is the Mitsubishi Foundation. In our experience, corporate giving works best when an agency such as the County has an employee dedicated to this purpose.

Community Foundations and Other Foundations

Community foundations, which operate on a regional basis, have also been involved in accessibility giving. Perhaps the greatest example here is the multi-million dollar Kellogg Foundation project that improved accessibility in Michigan, Ohio, Indiana, Illinois, and other states that bordered the Kellogg headquarters in Michigan.

Other Methods

There are other methods. Each works in that community and may or may not work in Pierce County.

A New Jersey community takes 100% of accessible parking fines and applies those towards recreation for people with disabilities.

Several Illinois park districts have added a \$1 to \$10 surcharge to every registration, with the fees generated being earmarked for access and inclusion expenses.

Several communities have successfully sought budget increases to address accessibility backlogs, just as they have with maintenance backlogs. Those increases may be general fund allocations, proceeds from successful referenda, or reallocations of under expended funds originally budgeted for other municipal purposes.

Risk Management

Investing in safety saves money for a County by avoiding legal expenses related to injuries on County properties. The same concept applies here. Investing in accessibility retrofits saves Pierce County the cost of staff time and attorneys to defend against ADA lawsuits or administrative complaints.

While we do not believe a decision about access should hinge solely on risk management factors, we do recommend that the County be aware of this factor going forward. ADA enforcement continues to grow and touch more and more communities.

Conclusion

Pierce County has a variety of recreation facilities and sites. The skilled staff operates facilities and sites the community wants and enjoys. This report identifies some issues that are typical in a Department infrastructure. The Department takes steps towards accessibility every year and that undoubtedly helped.

The Department should determine to what extent it will act on our recommendations and any staff recommendations. Access work should occur every year during the transition plan.

While no one can say with certainty how long the Department can stretch these projects, the Department should make access retrofits an ongoing part of its annual plans and budgets. US Department of Justice officials have said work must be completed as soon as is possible.

Be certain to understand that the Department could be forced to accelerate its pace. Making access work a high priority is critical.

Your strategy should definitely address the common issues identified in this report.

We commend Pierce County for undertaking this task. Although this access audit and the transition plan are both mandated tasks, many of your neighbors have not completed these steps.

In closing, thanks again to the staff at the Department for their cooperation and spirit. All of the team at our firm enjoyed working with them. We acknowledged Jeff and Erich for their assistance with the project. We must also acknowledge Joseph Coppo, he was an invaluable resource in our work.

Call me at Recreation Accessibility Consultants at 224-293-6451 if there are any questions. Thanks again for inviting us to work with Pierce County.

Submitted by



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